

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

United States of America,

Plaintiff,

v.

Rodney J. Anderson,

Defendant.

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No. 10-00174-01-CR-W-DGK

**ORDER**

Pending before the Court are Defendant's Motion to Dismiss Count One of the Indictment with Prejudice as It Violates Defendant's Sixth Amendment Right to Jury Unanimity (Doc. 19), the Government's response (Doc. 25), United States Magistrate Judge Sarah W. Hays Report and Recommendation recommending that the motion be denied (Doc. 29), the Defendant's Objections to the Report and Recommendation (Doc. 30) and the Government's Response to Defendant's Objections (Doc. 31).

After carefully reviewing the Magistrate's report and conducting an independent review of the record and applicable law, it is hereby ORDERED that Magistrate Judge Hays' Report and Recommendation be ADOPTED. Defendant's Motion to Dismiss Count One of the Indictment with Prejudice as it Violates Defendant's Sixth Amendment Right to Jury Unanimity (Doc. 19) is hereby DENIED.

**IT IS SO ORDERED**

Date: April 19, 2011

/s/ Greg Kays

GREG KAYS, JUDGE

UNITED STATES DISTRICT COURT